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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 August 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

    4a) Of the above claim(s) _16-28_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15, 29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims Cancellation

Claims 16-28 (Canceled), Examiner acknowledges applicant's communication of

3/26/2006, canceling **claims 16-28**.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuhira

(US Patent 6,898,332) henceforth referred to as Matsuhira.

Regarding **Claim 1 (Original)**, Matsuhira teaches, a method for generating an

image, comprising: (a) preparing a plurality of first images each of which includes a

portion where a same recorded subject is recorded, (figs. 1-4, column 7, lines 30-65),

- (b) determining an image generation area for generating a second image in

    which a density of pixels forming image is higher than that of the first

images, based on a overlap between the plurality of first images, (column
10, lines 52-67),

- and, (c) generating the second image in the image generation area from the
  plurality of first images (fig. 10, abstract, column 8, lines 23-33).

Regarding **Claim 2 (Original)**, Matsuhira teaches, a method for generating an image
according to **Claim 1**, wherein the determination of the image generation area is
executed so that an overlapping index value representing an extent of overlap between
the plurality of first images and the image generation area is closest to a predetermined
target level on a predetermined condition, (figs. 2-3, abstract, column 8, lines 18-35).

Regarding **Claim 3 (Original),** Matsuhira teaches , a method for generating an image
according to **Claim 1**, wherein the determination of the image generation area
comprises:

(bl) preparing a plurality of candidate areas included in a sum area, the sum area being
sum of areas in which first images are recorded, (column 9, lines 60-65),

- and (b2) selecting one of the candidate areas as the image generation area from
  among the plurality of candidate areas, based on an evaluation value for each of
  the candidate areas which is determined based on overlaps between the
  plurality of first images and the candidate area (column 10, lines 23-29).

Regarding **Claim 4 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises, determining the evaluation values for the candidate areas based on relative positions between the candidate areas and the first images, (column 10, lines 23-29).

Regarding **Claim 5 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3,** wherein the selection of the candidate area comprises determining the evaluation value based on numbers of pixels in the first images included in portions where the candidate area and the first images overlap, (fig. 1, abstract, column 10, lines 23-29).

Regarding **Claim 6 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises determining the evaluation value for each of the candidate areas, wherein the determination of the evaluation value for one of the candidate areas comprises, (b3) determining an evaluation target portion, the evaluation target portion being a portion of a profile of a target candidate area for which the evaluation value is being determined and being included in an area of one of the plurality of first images, (figs. 2-5,column 10, lines 23-29).

- (b4) determining the evaluation value for the target candidate area based on lengths of the evaluation target portions for the plurality of first images. (fig. 1, abstract, column 10, lines 23-29).

Regarding **Claim 7 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises, (b3) setting sample points on a profile of each of the candidate areas, (fig. 1, abstract, column 10, lines 23-29).

- (b4) determining the evaluation values for the candidate areas based on the sample points, wherein the determination of the evaluation value for one of candidate areas comprises: (b5) determining evaluation sample points among the sample points of a target candidate area for which the evaluation value is being determined, the evaluation sample points being sample points included in an area of one of the plurality of first images, (abstract, column 8, lines 58-65),

- (b6) determining the evaluation value for the target candidate area based on a number of the evaluation sample points of the plurality of first images, (fig. 1, abstract, column 8, lines 58-65).

Regarding **Claim 8 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises:

(b3) setting sample points on a profile of each of the first images; (figs. 1-2, abstract, column 8, lines 58-65),

- (b4) determining the evaluation values for the candidate areas based on the sample points, wherein the determination of the evaluation value for one of candidate areas comprises, (fig. 1, abstract, column 8, lines 58-65),

- (b5) determining evaluation sample points among the sample points of one of the first images, the evaluation sample points being sample points included in a target candidate area for which the evaluation value is being determined, (figs. 2-4, abstract, column 8, lines 58-65),

- (b6) determining the evaluation value for the target candidate area based on numbers of the evaluation sample points of the plurality of first images. (fig. 1, abstract, column 10, lines 23-29).

Regarding **Claim 9 (Original),** Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the selection of the candidate area comprises:

(b3) setting evaluation areas having a certain width near profiles of the candidate areas, (abstract, column 10, lines 23-29),

- and (b4) determining the evaluation values for the candidate areas based on the

  evaluation areas, wherein the determination of the evaluation value for one of

  candidate areas comprises, (b5) determining a limited evaluation area, the

  limited evaluation area being a portion of a target candidate area for which the

  evaluation values is being determined, being included in an area of one of the

  plurality of first images, (figs1-3, column 8, lines 50-62),

- and (b6) determining the evaluation value for the target candidate area based on

  a total number of pixels included in the limited evaluation area of the plurality of

  first images, (abstract, column 9, line 50-65),

Regarding **Claim 10 (Original),** Matsuhira teaches, a method for generating an image

according to **Claim 3**, wherein the selection of the candidate area comprises, (b3)

setting sample points near profiles of the candidate areas, (figs1-3, column 7, lines 50-

62),

- and (b4) determining the evaluation values for the candidate areas based on the

  sample points, wherein the determination of the evaluation value for one of

  candidate areas comprises, (figs1-3, column 9, lines 36-45),

- (b5) determining evaluation sample points among the sample points of a target

  candidate area for which the evaluation value is being determined, the

- · evaluation sample points being sample points included in an area of one of the plurality of first images, (figs1-3, column 9, lines 61-67)

- and (b6) determining the evaluation value for the target candidate area based on a number of evaluation sample points for the plurality of first images. (figs.1-3, column 10, lines 30-41).

Regarding **Claim 11 (Original)**, Matsuhira teaches, a method for generating an image according to **Claim 3**, wherein the preparation of the plurality of candidate areas comprises, (bT) setting a first candidate area included in the sum area being sum of areas in which first images are recorded, (abstract, column 7, lines 19-35),

- (b8) preparing: a second candidate area, which is an area included in the sum area being sum of areas in which first images are recorded, and which is to conform to the first candidate area by being displaced a certain extent in a first direction, (abstract, column 7, lines 19-35),

- a third candidate area, which is an area included in the sum area being sum of areas in which first images are recorded, and which is to conform to the first candidate area by being displaced a certain extent in a direction opposite the first direction, (abstract, column 7, lines 35-47).

Regarding **Claim 12 (Original)**, Matsuhira teaches, a method for generating an image

according to **Claim 3**, wherein the preparation of the plurality of candidate areas

comprises, (b7) setting a first candidate area included in the sum area being sum of

areas in which first images are recorded, (abstract, column 7, lines 19-35),

- (b8) preparing: a second candidate area, which is an area included in the sum

  area being sum of areas in which first images are recorded, and which is to

  conform to the first candidate area by being shrunk around a certain fixed point,

  (abstract, column 8, lines 30-35),

- a third candidate area, which is an area included in the sum area being sum of

  areas in which first images are recorded, and which is to conform to the first

  candidate area by being magnified around a certain fixed point. (figs. 2, abstract,

  column 8, lines 19-35),

Regarding **Claim 13 (Original)**, Matsuhira teaches, a method for generating an image

according to **Claim 12**, further comprising, (d) outputting at least one of the plurality of

first images through an output device, (figs. 4-5, abstract, column 8; lines 19-35),

- (e) outputting the second image through the output device in a same size as the
  first image output, (abstract, column 8, lines 46-56),

Regarding **Claim 14 (Original),** Matsuhira teaches, a method for generating an image

according to **Claim 1**, further comprising, (f) calculating relative positions between the

plurality of first images based on the portions where the same recorded subject is

recorded, wherein each of pixels of the plurality of first images have a tone level, and

the generation of the second image comprises, (abstract, column 7, lines 62-65),

- (cl) selecting, from pixels of the second image, a target pixel for calculating
  the tone level, (abstract, column 8, lines 2-17),

- (c2) selecting, from the pixels of the plurality of first images, a plurality of
  specified pixels located in a certain range near the target pixel when the pixels of
  the plurality of first images are supposed to be arranged according to the relative
  positions and pixels of the second image are furthermore supposed to be
  arranged in the image generation area, (figs. 4-5, abstract, column 8, lines 19-
  35),

- (c3) calculating tone level of the target pixel based on a weighted average of
  tone levels of the specified pixels, (figs. 4-5, abstract, column 8, lines 19-35).

Regarding **Claim 15 (Original)**, Matsuhira teaches, an image-generating device,

comprising:

an imaging component configured to prepare a plurality of first images each of which

includes a portion where a same recorded subject is recorded, (figs. 1-4, abstract,

column 7, lines 30-65),

- a generation area determination component configured to determine an image

  generation area for generating a second image in which a density of pixels

  forming image is higher than that of the first images, based on a overlap

  between the plurality of first images, (column 10, lines 52-67).

- and an image-generating component configured to generate the second image

  in the image generation area from the plurality of first images, (column 8, lines

  23-33).

Regarding **Claim 29 (Original),** Matsuhira teaches, a computer program product for

generating an image, comprising:

a computer-readable recording medium; and a computer program stored on the

computer-readable recording medium, wherein the computer program comprises

a first portion for preparing a plurality of first images each of which includes a portion

where a same recorded subject is recorded, (figs. 1-4, abstract, column 7, lines 30-60),

- a second portion for determining an image generation area for generating a
  second image in which a density of pixels forming image is higher than that of
  the first images, based on a overlap between the plurality of first images; and
  a third portion for generating the second image in the image generation area
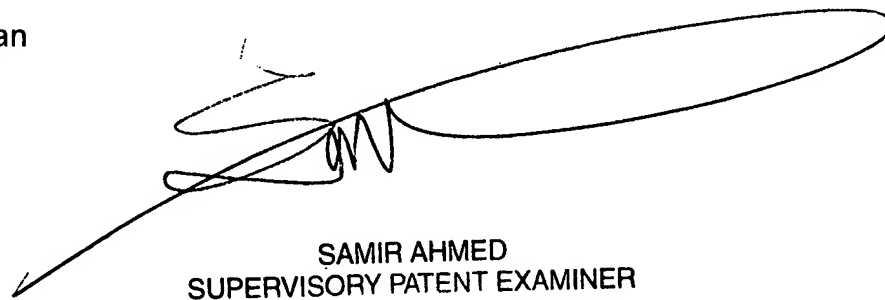 from the plurality of first images, (fig.10, abstract, column 8, lines 23-33).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Mehdi Rashidian whose telephone number is (571) 272-
9763. The examiner can normally be reached on Mon-Thurs 9:00AM to 8:00PM, ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mehdi Rashidian
12/10/07

SAMIR AHMED
SUPERVISORY PATENT EXAMINER